

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

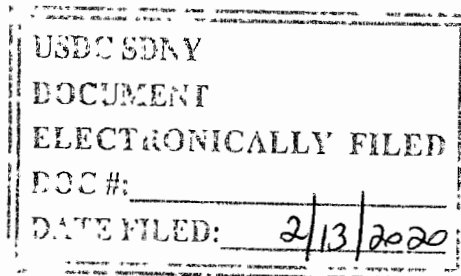
ERNEST CALVINO JR.,

Plaintiff,

-against-

D.E.A.,

Defendant.



20-CV-0649 (CM)

ORDER IMPOSING FILING RESTRICTIONS  
UNDER 28 U.S.C. § 1651

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff has filed 101 actions in this Court from December 17, 2019, through February 12, 2020. More than 80 of these actions have been dismissed as frivolous, and Plaintiff has been warned that further vexatious or frivolous litigation in this Court will result in an order under 28 U.S.C. § 1651 barring him from filing new actions IFP unless he receives prior permission. *See, e.g., Calvin v. Bank of America*, ECF 1:20-CV-0650, 3 (S.D.N.Y. Jan. 24, 2020); *Calvin v. Armany*, ECF 1:20-CV-0387, 3 (S.D.N.Y. Jan. 17, 2020); *Calvin v. Hadid*, ECF 1:20-CV-0138, 4 (S.D.N.Y. Jan. 9, 2020); *Calvin v. Little Wane Father*, ECF 1:20-CV-0134, 4 (S.D.N.Y. Jan. 9, 2020); *Calvin v. Sanchez*, ECF 1:20-CV-0065, 4 (S.D.N.Y. Jan. 9, 2020); *Calvin v. Sportefy Inc.*, ECF 1:19-CV-11956, 4 (S.D.N.Y. Jan. 9, 2020); *Calvin v. Cirino*, ECF 1:19-CV-11953, 4 (S.D.N.Y. Jan. 7, 2020); *Calvin v All the women that sue me Int'l and Nat'l*, ECF 1:19-CV-11914, 4 (S.D.N.Y. Jan. 7, 2020); *Calvin v. Salad*, ECF 1:19-CV-11827, 4 (S.D.N.Y. Jan. 7, 2020); *Calvin v. Trainor*, ECF 1:19-CV-11668, 4 (S.D.N.Y. Jan. 7, 2020); *Calvin v. Jones*, ECF 1:19-CV-11601, 3 (S.D.N.Y. Dec. 23, 2019); *Calvin v. Internal Affe*, ECF 1:19-CV-11611, 3 (S.D.N.Y. Dec. 23, 2019); *Calvin v. Anneka C.*, ECF 1:19-CV-11610, 3 (S.D.N.Y. Dec. 23, 2019).

Because of Plaintiff's history of vexatious and frivolous litigation in this Court, on January 10, 2020, the Court directed Plaintiff to show cause why he should not be barred as of January 10, 2020, from filing any further IFP actions in this Court without first obtaining this Court's

Copies mailed/faxed/handed to counsel on 2/13/2020

permission. *See Calvino v. Fauto L.*, ECF 1:19-CV-11958, 4 (S.D.N.Y. Jan. 10, 2020). Plaintiff did not respond to that order, but instead filed 56 new actions, of the total 101 actions he has filed. On February 11, 2020, the Court barred Plaintiff from filing any new actions in this Court without first obtaining permission. *See Calvino*, ECF 1:19-CV-11958, 5 (S.D.N.Y. Feb. 11, 2020).

By order dated January 31, 2020, the Court dismissed this action as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i) and directed Plaintiff to show cause in writing, within ten days, why the Court should not enter an order requiring Plaintiff to seek permission to file any new action he seeks to file in this Court. Plaintiff has not responded to the Court's January 31, 2020 order, but he has filed four of the 56 new actions filed since January 10, 2020, after the Court's January 31, 2020 order.

Plaintiff is now required to seek permission to file any new action in this Court. To seek permission, Plaintiff must:

- a) Submit a motion titled "Motion for Leave to File" that explains why he should be permitted to file the new action or proceeding and why this Court is a proper venue for the action or proceeding;
- b) Attach a copy of this order;
- c) Include either (i) the full filing fees or (ii) a request to proceed without prepayment of fees; and
- d) Include a statement, made under penalty of perjury, stating that the claims are not frivolous or in bad faith, that the lawsuit is not brought for any improper purpose, such as to harass or cause unnecessary delay, and that the filing complies with this Court's orders, the Federal Rules of Civil Procedure, and this Court's Local Rules.

#### **CONCLUSION**

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. Plaintiff's complaint, filed IFP under 28 U.S.C. § 1915(a)(1), is dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

Plaintiff is required to seek permission to file any new action in this Court. To seek permission, Plaintiff must:

- a) Submit a motion titled "Motion for Leave to File" that explains why he should be permitted to file the new action or proceeding and why this Court is a proper venue for the action or proceeding;
- b) Attach a copy of this order;
- c) Include either (i) the full filing fees or (ii) a request to proceed without prepayment of fees; and
- d) Include a statement, made under penalty of perjury, stating that the claims are not frivolous or in bad faith, that the lawsuit is not brought for any improper purpose, such as to harass or cause unnecessary delay, and that the filing complies with this Court's orders, the Federal Rules of Civil Procedure, and this Court's Local Rules.

**The Clerk of Court is directed not to accept any complaint from Plaintiff unless he complies with the above requirements.**

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: 2/13/2020  
New York, New York



---

COLLEEN McMAHON  
Chief United States District Judge